

SUBCHAPTER V,
A WELCOME TOOL IN THE CONSUMER LAWYER'S TOOL BOX

UT Consumer Bankruptcy Practice
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by
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Disclaimer

This material does not constitute the official position of Chief Judge Rodriguez and should not be construed as an indication of future rulings involving the Small Business Reorganization Act or the Bankruptcy Code.

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Introduction

- What to expect
- Available resources
- Comparisons between subchapter V and chapter 13
- Time permitting: Subchapter V confirmation process

- Introduction to Subchapter V
- Eligibility
- Means Test and Applicable Commitment Period
- Joint Debtor
- Co-Debtor Stay
- Trustee
- Attorney's Fees
- Property of the Estate

- Disposable Income
- Projected Disposable Income
- Plan
- Timing for Filing of a Plan and Commencement of Payments
- Plan Term
- Special Treatment of Certain Claims
- Post-Petition Income

- Feasibility Requirement
- Best Efforts Requirement
- Modification of Home Mortgages
- Modification of Other Secured Claims
- Post Confirmation Modifications
- Timing and Scope of Discharge
- Vesting of Property of The Estate

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